

MONDAY, FEBRUARY 26, 2001

THIRTEENTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Representative Patton.

Representative Patton led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present.....96

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; personal reasons.

Representative Tidwell; personal reasons.

Representative Walker; business reasons.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 98: Rep(s). Rhinehart as prime sponsor(s).

MESSAGE FROM THE GOVERNOR
February 26, 2001

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 144, without his signature.

JAY BALLARD, Counsel to the Governor.

MESSAGE FROM THE SENATE
February 26, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 90; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 90 -- Memorials, Public Service - Graidon and Mabel McDole. by *Graves.

MESSAGE FROM THE SENATE
February 26, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 91; adopted for concurrence.

RUSSELL A. HUMPHREY, Chief Clerk.

Senate Joint Resolution No. 91 -- Memorials, Retirement - John G. Campbell, City Manager of Johnson City. by *Crowe.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 96** -- General Assembly, Studies - Creates special joint committee to study workplace wage discrimination. by *Sands.

House State and Local Government Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for March 1, 2001:

House Resolution No. 28 -- Memorials, Recognition - Madison Community Arbor Day. by *Turner (Davidson).

House Joint Resolution No. 97 -- Memorials, Professional Achievement - Bank of Gleason, 100th year anniversary. by *Maddox, *Fitzhugh, *Ridgeway.

House Joint Resolution No. 99 -- Memorials, Sports - Dale Earnhardt, for his accomplishments at Bristol Motor Speedway. by *Mumpower, *Godsey, *Davis (Washington), *Westmoreland.

House Joint Resolution No. 100 -- Memorials, Congratulations - Thomas Bruff. by *Pinion.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for March 1, 2001:

Senate Joint Resolution No. 91 -- Memorials, Retirement - John G. Campbell, City Manager of Johnson City. by *Crowe.

RESOLUTIONS LYING OVER

On motion, the resolutions(s) listed was/were referred to the appropriate Committee:

***Senate Joint Resolution No. 53** -- General Assembly, Statement of Intent or Position - Urges Congress to amend Internal Revenue Code of 1986 to allow deduction for state sales taxes in lieu of state and local income taxes. by *Wilder, *Crowe, *Atchley, *McNally, *Crutchfield, *Rochelle, *Henry, *Blackburn, *Burchett, *Burks, *Carter, *Clabough, *Cohen, *Cooper J, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Graves, *Harper, *Haun, *Haynes, *Herron, *Jackson, *Kurita, *Kyle, *Miller J, *Norris, *Person, *Ramsey, *Trail, *Wilder, *Williams.

House Finance, Ways and Means Committee

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1952 -- Polk County - Subject to local approval, modifies Polk County's amusement tax on commercial rafting excursions on Ocoee and Hiwassee Rivers. Amends Chapter 2 of the Private Acts of 1981; as amended. by *Newton.

House Bill No. 1953 -- Greeneville - Subject to local approval, authorizes town to fill vacancy in position of assistant recorder, assistant chief of police, or assistant chief of fire department outside of civil service system. Amends Chapter 179 of the Private Acts of 1953; as amended. by *Whitson, *Davis (Cocke).

House Bill No. 1954 -- Bedford County - Subject to local approval, increases from greater than \$1,000 to greater than \$5,000 amount of county purchases requiring sealed competitive bids; requires three quotes for purchases of between \$2,500 and \$5,000; requires customary purchase order for purchases less than \$2,500. Amends Chapter 357 of the Private Acts of 1945; as amended. by *Briley.

House Bill No. 1955 -- Haywood County - Subject to local approval, establishes remedy where owner's property is endangering health, safety and welfare of other citizens. by *Fitzhugh.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 1949 -- Cleveland -- Local Bill Held on House Desk

House Bill No. 1950 -- Humboldt -- Local Bill Held on House Desk

House Bill No. 1951 -- McNairy County -- Local Bill Held on House Desk

CONSENT CALENDAR

House Resolution No. 27 -- Memorials, Death - Margaret Kizer. by *Fitzhugh.

House Joint Resolution No. 94 -- Memorials, Personal Occasion - Mr. & Mrs. Charles Irwin, 40th wedding anniversary. by *Vincent.

House Joint Resolution No. 95 -- Memorials, Recognition - Freeman and Geneva Odell. by *Kisber, *McDaniel, *Shaw.

House Bill No. 1574 -- Decaturville - Subject to local approval, beginning with November 2004 election and thereafter changes date of election for mayor and alderman and beginning with November 2008 election and thereafter changes date such officers take office. Amends Chapter 351 of the Private Acts of 1968. by *Rinks. (SB1742 by *Jackson)

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House Bill No. 1261 -- Springfield - Subject to local approval, authorizes city to impose fees on developing land within service area of city-owned utility. Amends Chapter 1 of the Private Acts of 1989; as amended. by *Davidson. (SB1592 by *Graves)

House Bill No. 1269 -- Jackson - Subject to local approval, revises certain provisions of city charter. Amends Chapter 101 of the Private Acts of 1993; as amended. by *Kisber, *Shaw. (SB1593 by *Carter)

Senate Joint Resolution No. 77 -- Memorials, Personal Achievement - Beth Hood, Miss Tennessee 2000. by *Miller J.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Clem, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), Davis (Cocke), DeBerry J, DeBerry L, Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Hagood, Hargett, Hargrove, Harwell, Head, Hood, Johnson, Jones S, Jones U, Kent, Kernell, Kisber, Langster, Lewis, Maddox, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Overbey, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Rowland, Sands, Sargent, Scroggs, Sharp, Shaw, Shepard, Stanley, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Turner (Davidson), Vincent, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

BILLS WITHDRAWN

On motion of Rep. Cole (Carter), **House Bill No. 536** was recalled from the State and Local Government Committee and withdrawn from the House.

RULES SUSPENDED

Rep. McDonald moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 90 out of order, which motion prevailed.

Senate Joint Resolution No. 90 -- Memorials, Public Service - Graidon and Mabel McDole. by *Graves.

On motion of Rep. McDonald, the resolution was concurred in.

A motion to reconsider was tabled.

BILL RECALL

Rep. Kisber requested that House Bill No. 614 be recalled from the Governor's Desk, which motion prevailed.

RULES SUSPENDED

Rep. Curtiss moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 98 out of order, which motion prevailed.

House Joint Resolution No. 98 -- Memorials, Recognition - Exchange Club of McMinnville, seventy-fifth anniversary. by *Curtiss, *Hood.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Curtiss, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Boyer moved that the rules be suspended for the purpose of introducing House Resolution No. 29 out of order, which motion prevailed.

House Resolution No. 29 -- Memorials, Congratulations - Gordon Strevel, Deacon Ordination. by *Boyer.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Boyer, the resolution was adopted.

A motion to reconsider was tabled.

ANNOUNCEMENTS

REPORT FILED

The Clerk announced that the Tennessee Supreme Court has filed the proposed amendments to the Rules of Civil Procedure, the Rules of Criminal Procedure, the Rules of Appellate Procedure, and the Rules of Evidence with the Clerk's Office and that the same are available for review.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 291: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 565: Rep(s). Cole (Dyer) as prime sponsor(s).

House Bill No. 737: Rep(s). Arriola as prime sponsor(s).

House Bill No. 1331: Rep(s). McDonald and Lewis as prime sponsor(s).

House Bill No. 1598: Rep(s). McDonald as prime sponsor(s).

MESSAGE FROM THE SENATE

February 26, 2001

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1263; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

ENGROSSED BILLS

February 26, 2001

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 94.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

February 26, 2001

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1261, 1269, 1574, also, House Joint Resolution(s) No(s). 95 and 98.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
February 26, 2001

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 94; concurred in by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

MESSAGE FROM THE SENATE
February 26, 2001

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 10, 212, 215, 287, 342 and 1346; all passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk.

***Senate Bill No. 10** -- Traffic Safety - Prohibits driver under 18 from operating motor vehicle while engaged on cellular telephone; violation is Class B misdemeanor punishable by \$100 fine; creates affirmative defense for bona fide emergency. Amends TCA Title 55, Chapter 8, Part 1. by *Cohen. (HB1231 by *Maddox)

***Senate Bill No. 212** -- Driver Licenses - Clarifies authority of department of safety in establishing payment plans for reinstatement or restoration of suspended or revoked driver license. Amends TCA Section 55-12-129. by *Dixon, *Harper. (HB1226 by *Turner (Shelby), *Shaw, *Towns, *Brooks, *Bowers, *Cooper B)

Senate Bill No. 215 -- Local Education Agency - Expands from five schools to five LEAs in each grand division who are required to file report with commissioner of education on conflict resolution intervention programs. Amends TCA Section 49-2-118. by *Dixon. (*HB163 by *Pruitt, *Langster)

***Senate Bill No. 287** -- Checks, Deferred Presentments - Permits deferred presentment licensees to collect handling charge of \$20.00 for NSF check or check returned for closed account or stop payment; authorizes licensees to collect court costs and attorney fees for civil actions to collect unpaid checks. Amends TCA Section 45-17-112. by *Rochelle. (HB1288 by *DeBerry L, *Rinks, *McDaniel)

***Senate Bill No. 342** -- Mobile Homes and Manufactured Buildings - Clarifies that set-up required by manufactured home dealer who sells to consumer in this state or manufactured home stabilizing system installer includes anchoring of such home. Amends TCA Title 68, Chapter 126. by *Cooper J. (HB881 by *Kisber)

Senate Bill No. 1346 -- Statutes - Codifies public acts of 2000. by *Wilder, *McNally. (*HB272 by *Davidson, *Rinks)

ROLL CALL

The roll call was taken with the following results:

Present.....96

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RECESS MOTION

On motion of Rep. Davidson, the House stood in recess until 9:00 a.m., Thursday, March 1, 2001.